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INSTITUTION Congress of the U.S., Washington, D.C. Senate.

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ABSTRACT

The text of the Act includes sections pertaining to definitions, scholarships authorized, award requirements and limitations, agreements with eligible institutions and appropriations authorized. (SJL)

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94TH CONGRESS
2D SESSION

S. 972

U.S. DEPARTMENT OF HEALTH,
EDUCATION & WELFARE
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IN THE HOUSE OF REPRESENTATIVES

JULY 21, 1976

Referred to the Committee on Education and Labor

AN ACT

To provide scholarships for the dependent children of public safety officers who are the victims of homicide while performing their official duties, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Public Safety Officers
4 Memorial Scholarship Act".

DEFINITIONS

5
6 SEC. 2. As used in this Act the term—

7 (1) "academic year" means an academic year or its
8 equivalent as defined in regulations of the Commissioner;

9 (2) "actual cost of attendance" means, subject to
10 regulations of the Commissioner, the actual per-student

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1 charges for tuition, fees, room and board (or expenses
2 related to reasonable commuting), books, and an allow-
3 ance for such other expenses as the Commissioner deter-
4 mines to be reasonably related to attendance at the
5 institution at which the student is in attendance;

6 (3) "Commissioner" means the Commissioner of
7 Education;

8 (4) "dependent child" means a child who is either
9 living with or receiving regular support contributions
10 from the public safety officer at the time of his death, in-
11 cluding a stepchild, an adopted child, or posthumous
12 child;

13 (5) "dependent spouse" means a surviving husband
14 or wife living with or dependent for support on the de-
15 cedent at the time of his or her death, or living apart
16 for reasonable cause or because of desertion by the
17 decedent;

18 (6) "dependent for support" means more than one-
19 half of the support of the dependent concerned;

20 (7) "eligible applicant" means a dependent child
21 or dependent spouse of a public safety officer as defined
22 by (4) and (5) of this section, who has been accepted
23 for enrollment at or is enrolled in an eligible institution;

1 (8) "eligible institution" means any such institu-
2 tion as defined under section 1201 (a) of the Higher Ed-
3 ucation Act of 1965;

4 (9) "public safety officer" means a person serving
5 a public agency, with or without compensation, as—

6 (A) a law enforcement officer, including a cor-
7 rections or a court officer, engaged in—

8 (i) the apprehension or attempted appre-
9 hension of any person—

10 (I) for the commission of a criminal
11 act, or

12 (II) who at the time was sought as a
13 material witness in a criminal proceeding;

14 or

15 (ii) protecting or guarding a person held
16 for the commission of a criminal act or held as
17 a material witness in connection with a criminal
18 act; or

19 (iii) the lawful prevention of, or lawful
20 attempt to prevent the commission of, a criminal
21 act or an apparent criminal act or in the per-
22 formance of his official duty; or

23 (B) a firefighter; and

1 (10) the term "State" means any State of the
2 United States, the Commonwealth of Puerto Rico, and
3 any territory or possession of the United States; and

4 (11) the term "unit of general local government"
5 means any city, county, township, town, borough, parish,
6 village, or other general purpose subdivision of a State,
7 or any Indian tribe which the Secretary of the Interior
8 determines performs law enforcement functions.

9 SCHOLARSHIPS AUTHORIZED

10 SEC. 3. (a) The Commissioner is authorized to award
11 a scholarship to any eligible applicant having an application
12 approved under section 4 (a) for full-time undergraduate
13 study at an eligible institution. Each applicant shall submit
14 an application accompanied by a certification from the head
15 of the agency which employed the public safety officer upon
16 whom the applicant was dependent, stating that such officer
17 lost his life while engaged in the performance of his official
18 duties.

19 (b) The maximum amount of the scholarship award
20 payable under this section shall not exceed the actual cost of
21 attendance at the appropriate eligible institution to such
22 applicant, or \$3,500, whichever is less, for each academic
23 year for which the scholarship is awarded, as determined by
24 the Commissioner. This maximum amount shall be reduced
25 when an eligible recipient is receiving grant assistance from

1 certain Federal programs as specified herein, whenever the
2 student's cost of attendance is \$3,500 or less. The Commis-
3 sioner shall reduce the maximum amount of \$3,500 or the
4 actual cost of attendance, whichever is less, by subtracting
5 any grant awards made or to be made for that academic year
6 for programs authorized or funded, wholly or in part, by
7 subparts 1, 2, and 3 of part A, title IV, of the Higher Educa-
8 tion Act of 1965, as amended.

9 (c) The duration of a scholarship award under this Act
10 shall be the period required for the completion by the re-
11 cipient of the award of his undergraduate course of study, or
12 other appropriate course of study at an eligible institution.
13 That period shall not exceed four academic years except
14 where the Commissioner determines that the student is en-
15 rolled in a degree program which normally requires more
16 than four academic years for a baccalaureate degree, in
17 which event such period shall not exceed five years.

18 (d) (1) The Commissioner shall notify both the eligible
19 applicant and the eligible institution in which the applicant
20 is enrolled or has been accepted for enrollment of the award
21 of a scholarship under this Act.

22 (2) A separate determination shall, on the basis of the
23 latest available information, be made as to the eligibility of a
24 student for, and the amount of the award to be made under
25 this Act, for each academic year of its duration.

(3) The Commissioner shall, in accordance with agreements pursuant to section 5, utilize the services and facilities of eligible institutions as fiscal agents for paying to students attending such institutions the amounts, if any, to which such students have been determined, with respect to each academic year, to be entitled under this Act.

ADDITIONAL AWARD REQUIREMENTS AND LIMITATIONS

SEC. 4. (a) No payment shall be made to an eligible applicant under this Act unless an application therefor is made by such applicant containing such information as the Commissioner may reasonably require together with the certification required under section 3 (a) of this Act.

(b) A student awarded a scholarship grant under this Act shall continue to be entitled to that grant only if such student (1) is maintaining good standing in the course of study which he is pursuing according to the regularly prescribed standards and practices of the eligible institution which he is attending, (2) devoted himself full time to such course of study during the academic year in attendance at an eligible institution, except that failure to be at an eligible institution during periods of vacation, military service, and such other periods as the Commissioner determines are good cause for nonattendance, shall not be considered contrary to the requirements of this clause, (3) expends all funds under

1 this Act for the purposes used in the determination of actual
2 costs of attendance, as defined in section 2 (2) of this Act.

3 (c) Failure to comply with requirement (b) (3) of this
4 section shall create a debt to the United States by that student
5 in the amount which was not expended on actual cost of
6 attendance.

7 (d) No payment shall be made to an eligible applicant
8 under this Act—

9 (1) if the death of the public safety officer was
10 caused by the intentional misconduct of that officer or by
11 such officer's intention to bring about his death; or

12 (2) to any person who would otherwise be entitled
13 to a benefit under this Act if such person's actions were
14 a substantial contributing factor to the death of the
15 public safety officer.

16 AGREEMENTS WITH ELIGIBLE INSTITUTIONS

17 SEC. 5. (a) For the purpose of this Act, the Commis-
18 sioner is authorized to enter into agreements with eligible
19 institutions in which any student receiving a scholarship
20 award under this Act has enrolled or is accepted for enroll-
21 ment. Each such agreement shall—

22 (1) provide that an eligible institution will cooper-
23 ate with the Commissioner in carrying out the provisions
24 of this Act;

1 (2) provide that the institution will periodically
2 conduct a review to determine whether students enrolled
3 and receiving a scholarship award under this Act con-
4 tinue to be entitled to payments under such grants and
5 the amounts of such payments;

6 (3) provide for the authorization of such institution
7 as a Federal agent for payments to students under this
8 Act;

9 (4) provide for such Federal control and account-
10 ing procedures as may be necessary to assure proper dis-
11 bursement of and accounting of funds paid under this
12 Act; and

13 (5) include such other provisions as may be neces-
14 sary to protect the financial interest of the United States
15 and promote the purposes of this Act.

16 (b) The Commission is authorized to pay a cost of
17 agreement allowance to any eligible institution in which a
18 student receiving a scholarship award was enrolled during
19 an academic year ending during any fiscal year after June
20 30, 1976. With respect to each such student, such allowance
21 shall be an amount equal to \$15. The Commissioner shall
22 prescribe regulations to insure that a student who received
23 payments pursuant to a scholarship grant during an academic
24 year in more than one institution is not counted more than
25 once for the purpose of computing the cost of agreement

1 allowance to which each such institution is entitled under
2 this section.

3 APPROPRIATIONS AUTHORIZED

4 SEC. 6. There is authorized to be appropriated \$1,750,-
5 000 for the fiscal year ending September 30, 1977, and
6 \$3,500,000 for each of the succeeding fiscal years ending
7 prior to October 1, 1982, to carry out the provisions of this
8 Act. The Commissioner may reserve up to 10 per centum
9 of the appropriated funds in fiscal year 1977 and up to 5
10 per centum in succeeding fiscal years for the purposes of
11 administering this Act. The award of scholarships author-
12 ized in this Act shall be limited to not greater than five
13 hundred new scholarships in any fiscal year, and not greater
14 than one thousand scholarships, including new and continu-
15 ing awards in any fiscal year.

 Passed the Senate July 20, 1976.

Attest:

FRANCIS R. VALEO,

Secretary.

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